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APPLICATION NUMBER FILING DATE FIRST NAMED APPLICANT ATTY. Docket NO.  
08/702,525 02/07/97 SHARPE A BWJ-1200PUC

EXAMINER

HM22/0908

GIULIO A DECONTI  
LAHIVE & COCKFIELD, LLP  
28 STATE STREET  
BOSTON MA 02109

CANCELLED  
ART UNIT PAPER NUMBER

1644 25

DATE MAILED: 09/08/00

This is a communication from the examiner in charge of your application.  
COMMISSIONER OF PATENTS AND TRADEMARKS

#### OFFICE ACTION SUMMARY

- ☒ Responsive to communication(s) filed on 4/11/00; 6/30/00  
☒ This action is FINAL.

- ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 D.C. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

#### Disposition of Claims

- ☒ Claim(s) 83-100/18-29, 32, 48, 59, 62, 66, 68, 72-74 is/are pending in the application.  
Of the above, claim(s) 18-29, 32, 48, 59, 62, 66, 68, 72-74 is/are withdrawn from consideration.  
☒ Claim(s) 83-24, 96, 100 is/are allowed.  
☒ Claim(s) 95 is/are rejected.  
☐ Claim(s) is/are objected to.  
☐ Claim(s) are subject to restriction or election requirement.

#### Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.  
☐ The drawing(s) filed on is/are objected to by the Examiner.  
☐ The proposed drawing correction, filed on is ☐ approved ☐ disapproved.  
☐ The specification is objected to by the Examiner.  
☐ The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. § 119

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).  
☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been  
☐ received.  
☐ received in Application No. (Series Code/Serial Number)  
☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received:

- ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e).

#### Attachment(s)

- ☐ Notice of Reference Cited, PTO-892  
☐ Information Disclosure Statement(s), PTO-1449, Paper No(s).  
☐ Interview Summary, PTO-413  
☐ Notice of Draftsperson's Patent Drawing Review, PTO-948  
☐ Notice of Informal Patent Application, PTO-152

—SEE OFFICE ACTION ON THE FOLLOWING PAGES—

### Detailed Action

1. Applicant's amendment, filed 4/11/00 (Paper No. 23), is acknowledged.  
Claims 78-82 have been canceled.  
Claims 83-100 have been added.

Applicant's amendment, filed 6/30/00 (Paper No. 24), is acknowledged.  
Claims 91-98 have been amended.

Claims 83-100 are under consideration.

Claims 18-29, 32, 48-59, 62, 66-68, 72-74 have been withdrawn from further consideration by the examiner, 37 C.F.R. § 1.142(b) as being drawn to a nonelected invention.

Claims 1-17, 30-31, 33-47, 60-61, 63-65, 69-71 and 75-77 have been canceled previously.

2. The Title and the Abstract are objected to applicant should avoid the use of "novel"; as patents are presumed to be novel and unobvious.
3. Applicant should amend the first line of the specification to indicate the priority documents of the instant application, including the PCT.
4. Drawings have been submitted which fail to comply with 37 CAR 1.84.  
Please see the enclosed form
5. Upon reconsideration of applicant's newly submitted claims; the previous rejection under 35 U.S.C. 112, first paragraph, as it applies to the instant claims has been withdrawn.
6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

7. Claim 95 is rejected under 35 U.S.C. § 102(a) as being anticipated by Freeman et al. (J.Exp. Med. 178: 2185-2192, 1993; particularly Figure 2) (892) . Freeman et al. teach an amino acid sequence encoding B7-2 that appears to be the same as that claimed (also, see attached.). Applicant is reminded that no more of the reference is required than that it sets forth the substance of the invention.

8. Claims 83-94 and 96-100 appear to be free of the prior art and therefore are deemed allowable.

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CAR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CAR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phillip Gambel whose telephone number is (703) 308-3997. The examiner can normally be reached Monday through Thursday from 7:30 am to 6:00 pm. A message may be left on the examiner's voice mail service. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christina Chan can be reached on (703) 308-3973. Any inquiry of a general nature or relating to the status of this application should be directed to the Technology Center 1600 receptionist whose telephone number is (703) 308-0196.

Papers related to this application may be submitted to Technology Center 1600 by facsimile transmission. Papers should be faxed to Technology Center 1600 via the PTO Fax Center located in Crystal Mall 1. The faxing of such papers must conform with the notice published in the Official Gazette, 1096 OG 30 (November 15, 1989). The CM1 Fax Center telephone number is (703) 305-3014.



Phillip Gambel, PhD.  
Primary Examiner  
Technology Center 1600  
September 7, 2000